

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRETT THOMAS,)
)
 Plaintiff,)
)
 v.) Case No. 1
)
 CONVERGENT OUTSOURCING, INC.,)
)
 Defendant.)

PLAINTIFF'S COMPLAINT

Plaintiff, BRETT THOMAS (“Plaintiff”), through his attorney, SHARON D. COUSINEAU, alleges the following against Defendant, CONVERGENT OUTSOURCING, INC., (“Defendant”):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act 15 U.S.C. 1692, et seq. ("FDCPA").

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §§1331, 1337, 1367, and 15 U.S.C. §1692k.
3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained within.
4. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

5. Plaintiff is a natural person residing in Tyler, Smith County, Texas.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3).
7. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6).
9. Defendant attempted to collect a consumer debt from Plaintiff.
10. Defendant is a collection agency located in Renton, King County, Washington.
11. Defendant is a business entity engaged in the collection of debt within the State of Texas.
12. Defendant's business includes, but is not limited to, collecting on unpaid, outstanding account balances.
13. The principal purpose of Defendant's business is the collection of debts allegedly owed to third parties.
14. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
15. During the course of its attempts to collect debts allegedly owed to third parties, Defendant

1 sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or
2 electronic mail, and initiates contact with alleged debtors via various means of
3 telecommunication, such as by telephone and facsimile.

4 16. Defendant acted through its agents, employees, officers, members, directors, heirs,
5 successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

6 **FACTUAL ALLEGATIONS**

7 17. Defendant is attempting to collect a consumer debt from Plaintiff

8 18. The alleged debt owed arises from transactions for personal, family, and household
9 purposes.

10 19. In or around November 2014, Defendant began calling Plaintiff on Plaintiff's cellular
11 telephone at 903-573-62xx.

12 20. Defendant calls Plaintiff from 318-703-5038, 318-703-5014, 318-703-1343, which are
13 Defendant's telephone numbers.

14 21. Plaintiff has answered several of Defendant's collection calls to his cell phone.

15 22. Upon answering Defendant's phone calls, there is a long pause before Plaintiff is connected
16 with a live collector.

17 23. During the conversations with Defendant's collectors, Defendants collectors have asked to
18 speak with a "Lawson Laut."

19 24. Plaintiff has informed Defendant's collectors several times that they have the wrong
20 number.

21 25. Defendant's collectors have apologized and informed Plaintiff that they would remove his
22 number.

26. During at least three (3) separate conversations with Defendant's collectors, Plaintiff has told Defendant to remove his cell phone number from their list because it is not associated with a "Lawson Laut."

27. Plaintiff had these conversations with Defendant's collectors in or around January of 2014, on or about February 24, 2015, and on or about March 11, 2015.

28. Regardless of these conversations, and being told that Defendant's collectors are calling the wrong number, Defendant continues to place collection calls to Plaintiff in an attempt to collect on the alleged debt.

COUNT I

29. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt, when Defendant continued to call looking for “Lawson Laut” after being told that Defendant has the wrong number and to remove Plaintiff’s cell phone from Defendant’s list; and
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number, when Defendant continued to call Plaintiff looking for “Lawson Laut” after being told that Defendant has the wrong number and to remove Plaintiff’s cell phone from Defendant’s list.

WHEREFORE, Plaintiff, BRETT THOMAS, respectfully requests judgment be entered against Defendant, CONVERGENT OUTSOURCING, INC., for the following:

PLAINTIFF'S COMPLAINT

Sharon D. Cousineau
Samwel Cousineau, PC
700 West Evergreen Boulevard
Vancouver, Washington 98660
Tel. 360-750-3789 / Fax 360-750-3788

1 30. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15
2 U.S.C. 1692k;

3 31. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
4 15 U.S.C. 1692k; and

5 32. Any other relief that this Honorable Court deems appropriate.

6 DATED: June 8, 2015

7 RESPECTFULLY SUBMITTED,

8 By: /s/Sharon D. Cousineau

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